

REMARKS/ARGUMENTS

Claims 1-17 and 26-38 are pending. Claims 1, 3-6, 7-9, 12-15, and 26-38 are rejected over U.S. 6, 245,590 to Wine et al. Claims 2, 10, 11, 16, and 17 are objected to for depending from a rejected base claim. In light of the following, all of the claims are now in condition for allowance, and therefore the Applicants' agent requests the Examiner to withdraw all of the outstanding rejections. But if after considering this response the Examiner does not allow all the claims, The Applicants' agent requests that the Examiner contact him to schedule a teleconference to further the prosecution of the application.

In a telephone message left February 26, 2007, the Applicants' agent informed the Examiner that the Applicant would be filing a petition to accept unintentionally delayed claim of priority back to the cited art, which is commonly assigned herewith and which has an overlapping inventive entity.

Rejection of Claims 1 and 3-6 Under 35 U.S.C. § 103(a) and Rejection of Claims 7-9, 12-15, and 26-38 Under 35 U.S.C. § 102(b) over Wine et al., U.S. 6,245,590

The '590 patent does not anticipate the pending claims because it is not prior art. Copending U.S. patent application no. 10/304,724, filed November 25, 2002 (now U. S. Patent No. 6,653,621) depends from U.S. patent application no. 09/816,809, filed March 24, 2001 (now U. S. Patent No. 6,515,278); which depends from U.S. patent application no. 09/369,674, filed on August 5, 1999 (now U. S. Patent No. 6,245,590), which is the cited art. Being filed herewith is a supplemental application data sheet claiming priority from the continuously copending patent applications listed above. Copies of U.S. Patent Nos. 6,653,621, 6,515,278, and 6,245,590 are also being filed herewith. Also being filed herewith is a petition for acceptance of an unintentionally delayed claim for priority. Such a priority claim is permitted because Clarence T. Tegreene is a named inventor of the present application as well as of U.S. Patent Nos. 6,653,621, 6,515,278, and 6,245,590; and both the present application and the U.S. application Nos. 10/304,724 (from which 6,653,621 issued), 09/816,809

(from which 6,515,278 issued), and 09/369,674 (from which 6,245,590 issued) were continuously copending from August 5, 1999 to November 25, 2003. As a result the U.S. Patent 6,245,590 is not prior art under Sections 102(b) or 103(a) because the '590 patent was not based on an application filed before the effective date of filing of the present application. Accordingly, the claims are not anticipated by 6,245,590.

Conclusion

In light of the foregoing, claims 1-17 and 26-38 as previously pending are in condition for allowance, which is respectfully requested.

Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

If the Examiner believes that a telephone interview would be helpful, he is respectfully requested to contact the Applicant's agent at (425) 455-5575.

DATED this 28th day of February 2007.

Respectfully submitted,

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